

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1047 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana code concerning
- 3 employment and general provisions.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 22-6-5 IS ADDED TO THE INDIANA CODE AS
- 7 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 8 1, 2008]:
- 9 **Chapter 5. Right to Work**
- 10 **Sec. 1. This chapter does not apply to the following:**
- 11 (1) An individual employed by the United States or a wholly
- 12 owned corporation of the United States.
- 13 (2) An individual subject to the federal Railway Labor Act (45
- 14 U.S.C. 151 et seq.).
- 15 **Sec. 2. This chapter does not apply to the extent that it conflicts**
- 16 **with:**
- 17 (1) the federal National Labor Relations Act (29 U.S.C. 151 et
- 18 seq.); or
- 19 (2) another federal law or regulation concerning labor
- 20 relations or labor organizations.
- 21 **Sec. 3. As used in this chapter, "employer" includes:**
- 22 (1) a person employing at least two (2) individuals in Indiana;
- 23 (2) a public body; or
- 24 (3) an agent of an employer described in subdivision (1) or (2).

1 **Sec. 4. As used in this chapter, "labor organization" means an**
 2 **organization, an agency, or a representation committee that exists,**
 3 **in whole or in part, to assist employees in:**

- 4 (1) bargaining collectively; or
 5 (2) negotiating with employers;
 6 **concerning grievances, labor disputes, wages, rates of pay, or terms**
 7 **or conditions of employment. The term includes a school employee**
 8 **organization (as defined in IC 20-29-2-14).**

9 **Sec. 5. As used in this chapter, "person" means:**

- 10 (1) an individual;
 11 (2) a proprietorship;
 12 (3) a partnership;
 13 (4) a firm;
 14 (5) an association;
 15 (6) a corporation; or
 16 (7) another legal entity.

17 **Sec. 6. As used in this chapter, "public body" includes the**
 18 **following:**

- 19 (1) The state.
 20 (2) A municipal corporation (as defined in IC 36-1-2-10).
 21 (3) A public transportation agency (as defined in
 22 IC 36-9-1-5.5).
 23 (4) A public utility employer (as defined in IC 22-6-2-2(a)).
 24 (5) A school employer (as defined in IC 20-29-2-15).

25 **Sec. 7. As used in this chapter, "state" includes a board, a**
 26 **branch, a commission, a department, a division, a bureau, a**
 27 **committee, an agency, an institution, an authority, or another**
 28 **instrumentality of the state.**

29 **Sec. 8. An employer may not require an individual to:**

- 30 (1) become or remain a member of a labor organization;
 31 (2) pay dues, fees, assessments, or other charges of any kind
 32 or amount to a labor organization; or
 33 (3) pay an amount to a charity or third party that is
 34 equivalent to or a pro rata part of dues, fees, assessments, or
 35 other charges regularly required of members of a labor
 36 organization;

37 **as a condition of employment or continuation of employment.**

38 **Sec. 9. A written or an oral contract or agreement, express or**
 39 **implied, between:**

- 40 (1) a labor organization; and
 41 (2) an employer;

42 **that does not comply with section 8 of this chapter is void.**

43 **Sec. 10. An employer that knowingly or intentionally violates**
 44 **section 8 of this chapter commits a Class A misdemeanor.**

45 **Sec. 11. An individual who is employed by an employer may file**
 46 **a complaint with the attorney general or the prosecuting attorney**
 47 **of the county in which the individual is employed. The complaint**

1 must allege a violation or threatened violation of this chapter.
 2 Upon receiving a complaint under this section, the attorney general
 3 or prosecuting attorney shall:

- 4 (1) investigate the complaint; and
- 5 (2) enforce compliance if a violation of this chapter is found.

6 Sec. 12. (a) If an individual suffers an injury:

- 7 (1) as the result of any act or practice that violates this
- 8 chapter; or
- 9 (2) from a threatened violation of this chapter;

10 the individual may bring a civil action.

11 (b) A court may order an award of any or all of the following to
 12 an individual who prevails in an action under subsection (a):

- 13 (1) Actual and consequential damages resulting from the
- 14 violation or threatened violation.
- 15 (2) A civil penalty against the violator of not more than one
- 16 thousand dollars (\$1,000).
- 17 (3) Reasonable attorney's fees, litigation expenses, and costs.
- 18 (4) Declaratory or equitable relief, including injunctive relief.
- 19 (5) Other relief the court considers proper.

20 (c) The remedies and penalties in subsection (b) are:

- 21 (1) cumulative; and
- 22 (2) in addition to other remedies and penalties imposed for a
- 23 violation of this chapter.

24 SECTION 2. [EFFECTIVE JULY 1, 2008] (a) IC 22-6-5, as added
 25 by this act:

- 26 (1) applies to a written or oral contract or agreement entered
- 27 into, modified, renewed, or extended after June 30, 2008; and
- 28 (2) does not apply to or abrogate a written or oral contract or
- 29 agreement in effect on June 30, 2008.

30 (b) This SECTION expires July 1, 2011."

31 Renumber all SECTIONS consecutively.

(Reference is to HB 1047 as printed January 25, 2008.)

Representative Leonard